

Exhibit 7

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Volume 1 Pages: 1-165 Exhibits: 19-22 UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS	1 INDEX 2 WITNESS PAGE 3 Michael J. Horan 4 By Mr. Sinsheimer 5
----- x JOHN BRADLEY, Plaintiff	5 6
vs. Cause No. 1:13-cv-12927-RGS	7 8
TIMOTHY J. CRUZ, Individually, MICHAEL HORAN, Individually, FRANK J. MIDDLETON, Individually, and OFFICE OF THE DISTRICT ATTORNEY FOR PLYMOUTH COUNTY, Defendants.	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
----- x	
DEPOSITION	
of	
MICHAEL J. HORAN	
Sinsheimer & Associates 92 State Street, 9th Floor Boston, Massachusetts 02109	
Thursday, September 24, 2015 10:14 a.m.	
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1 APPEARANCES: 2 On behalf of the Plaintiff: 3 SINSHEIMER & ASSOCIATES By: Robert S. Sinsheimer, Esquire 4 92 State Street, 9th Floor Boston, Massachusetts 02109 5 (617) 722-9954 rsinsheimer@sinsheimer.com	1 EXHIBITS 2 No. Page 3 Exhibit 19 E-mail 29 4 Exhibit 20 SEC Filing 47 5 Exhibit 21 Affidavit of Michael O'Connell 128
6 7 On behalf of the Defendant: 8 9 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C. By: Bret A. Cohen, Esquire One Financial Center Boston, Massachusetts 02111 10 (617) 348-3089 bcohen@mintz.com	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
11 ALSO PRESENT: 12 John Bradley	Exhibit 22 Answers to Interrogatories 157
13 14 15 16 17 18 19 20 21 22 23 24	

<p style="text-align: right;">Page 57</p> <p>1 didn't go through it every year but I 2 would say we did it every two years where 3 supervisors would -- there was an 4 evaluation form that they used. It wasn't 5 necessarily uniform. I think a lot of 6 times each department head had their own 7 form, but the goal was to see where a 8 particular employee was at that point and 9 if they were performing well. And we 10 would, we would, you know, review those 11 things and take appropriate actions if 12 they were needed.</p> <p>13 Q. You would agree with me that the District 14 Attorney's office very often attract young 15 people that are looking to improve their 16 skills. Correct?</p> <p>17 A. I would agree with that.</p> <p>18 Q. And then one of the reasons they will take 19 the job is to get some early trial 20 experience?</p> <p>21 A. Yes.</p> <p>22 Q. How do you determine the difference 23 between someone who still has a lot to 24 learn and someone whose performance is</p>	<p>1 A. He walked into my office. 2 Q. All right. Sorry. Tell me the events of 3 that day, please. 4 A. The events of that day were that to the 5 best of my recollection Mr. Cruz and I 6 talked in the afternoon. It was 7 determined with my acquiescence that I was 8 going to deliver the news to Mr. Bradley. 9 I called him on the phone at about four 10 o'clock and asked him to come up to my 11 office, and he did. 12 Q. Please continue. 13 A. I had agreed to deliver the news to 14 Mr. Bradley because he had been a friend 15 of mine for almost 20 years, I knew he 16 hated Frank Middleton, and I knew he hated 17 Tim Cruz, and I thought with his career 18 and his commitment to being a trial 19 attorney and our friendship that it was 20 best that he hear that news from me. I 21 thought he deserved that dignity that day. 22 Q. Keep going. 23 A. So Mr. Bradley came in my office. I told 24 him that I had bad news for him, and I</p>
<p style="text-align: right;">Page 58</p> <p>1 substandard?</p> <p>2 A. I did not do that so I can't answer that 3 question.</p> <p>4 Q. How did the office do it, if you know?</p> <p>5 A. We relied on people like Mr. Bradley, Mr. 6 Middleton, Mr. O'Connell before 7 Mr. Bradley was the District Court 8 supervisor, to make those judgments for 9 us.</p> <p>10 Q. Prior to Mr. Bradley's termination, was 11 there any senior level person terminated 12 while you were there?</p> <p>13 A. I don't believe so.</p> <p>14 Q. So the information you gave me earlier 15 tended to be younger people that were 16 coming up through the ranks and couldn't 17 cut it, for lack of a better phrase, for 18 the most part?</p> <p>19 A. No, I wouldn't say that. I don't think we 20 have terminated very many attorneys 21 anyway.</p> <p>22 Q. You are the person that actually walked 23 into the office and terminated 24 Mr. Bradley, correct?</p>	<p>1 told him that I had volunteered to deliver 2 it. I thought that he would know what that 3 meant. I feel that he probably didn't. I 4 told him that that day was his last day in 5 the office, that I would still accept a 6 resignation from him because I thought 7 that would be better for his career going 8 forward. He told me that he was absolutely 9 not going to resign. I told him that Mr. 10 Cruz had arranged for a similar position 11 for him in Worcester County. He told me 12 that he was totally uninterested in that 13 position and he told me to instruct Mr. 14 Cruz to not contact any other district 15 attorneys' offices on his behalf. He told 16 me he would be suing Mr. Cruz. 17 I told him, you know, he would 18 have to get his property out of his office 19 and I told him that the best way to do 20 that would be to contact Janet Sweeney, 21 who handled those types of personnel 22 issues in offices. He asked, he said to 23 me I expect to be able to say goodbye to 24 my friends here, and I said of course you</p>

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22 Q. How do you determine the difference
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 10 o'clock and asked him to come up to my
 11 office, and he did.

12 Q. Please continue.

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 14 Mr. Bradley because he had been a friend
 15 of mine for almost 20 years, I knew he
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22 Q. Keep going.

23 A. So Mr. Bradley came in my office. I told
 24 him that I had bad news for him, and I

1 substandard?

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4 Q. How did the office do it, if you know?

5 A. We relied on people like Mr. Bradley, Mr.
 6 Middleton, Mr. O'Connell before
 7 Mr. Bradley was the District Court
 8 supervisor, to make those judgments for
 9 us.

10 Q. Prior to Mr. Bradley's termination, was
 11 there any senior level person terminated
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 19 and I told him that the best way to do
 20 that would be to contact Janet Sweeney,
 21 who handled those types of personnel
 22 issues in offices. He asked, he said to
 23 me I expect to be able to say goodbye to
 24 my friends here, and I said of course you

1 could say goodbye to your friends. And I
 2 believe he did that that afternoon, at
 3 least to whoever else was there. And he
 4 told me that he wanted me to make sure
 5 that his goal in life was going to be to
 6 destroy Tim Cruz's career and then he
 7 left, and then he left my office.

8 Q. Now, you said that you talked to Mr. Cruz
 9 prior to that meeting?

10 A. Right.

11 Q. Tell me about that conversation,
 12 everything that each of you said to the
 13 other.

14 A. I don't recall it.

15 Q. Where was it?

16 A. It was in Mr. Cruz's office.

17 Q. I think you just told me a minute ago,
 18 Mr. Bradley was a friend of yours?

19 A. That is right.

20 Q. And in this conversation you are being
 21 told you are going to terminate your
 22 friend?

23 A. Right.

24 Q. And you volunteered to do that?

1 Q. I am going to pick on your word, your own
 2 word, you can take it back if you want.
 3 Short, at what length a period of time
 4 were these discussions taking place? Let
 5 me withdraw that. Over what period of time
 6 did these discussions take place?

7 A. To the best of my recollection, they took
 8 place during and after the period of time
 9 that Mr. Bradley tried his last case.

10 Q. So Mr. Bradley tried a case and received a
 11 good verdict?

12 A. I believe so.

13 Q. And then there were some discussions among
 14 you and Mr. Cruz?

15 A. To the best of my recollection, whatever
 16 discussions Mr. Cruz and I had occurred
 17 either during and/or after he finished his
 18 trial.

19 Q. If I suggest to you that that was -- well,
 20 not during, but the trial finished two or
 21 three days before he was asked to leave,
 22 would that be consistent with your memory?

23 A. Yes.

24 Q. I understand you said earlier you can't

1 A. That is correct.

2 Q. You don't remember anything else?

3 A. I don't remember what was said that day. I
 4 can tell you that over some short period
 5 of time I had already told Mr. Cruz I
 6 absolutely would not do it because of what
 7 you just said, because he was my friend. I
 8 wasn't happy he was leaving the office for
 9 a variety of reasons. But it is obviously
 10 a far more difficult day for the guy who
 11 gets that kind of news, but it was not an
 12 easy day for me. So I don't have a
 13 specific recollection of my conversation
 14 with Mr. Cruz that day.

15 Q. You said a minute ago that for a short
 16 period of time you had been discussing
 17 this with Mr. Cruz.

18 A. Yes.

19 Q. And that you apparently had said you
 20 didn't want to do it?

21 A. That is right.

22 Q. When did he first approach you and tell
 23 you that you wanted you to do it?

24 A. I don't remember.

1 remember, but do me a favor -- strike
 2 that. Please state for the record every
 3 single thing you can remember about your
 4 interactions with Mr. Cruz concerning
 5 Mr. Bradley in the period between the
 6 termination of Mr. Bradley's last trial
 7 and the actual conversation you described
 8 a moment ago.

9 A. The only thing I recall is that those
 10 discussions centered around who was going
 11 to give Mr. Bradley the news.

12 Q. Had Mr. Cruz made it clear that he wasn't
 13 going to?

14 A. I don't recall that, no.

15 Q. But why was there a debate over who was
 16 going to give him the news, or discussion.
 17 I will withdraw the word "debate".

18 Why was there discussion about
 19 who was going to give him the news?

20 A. I think he preferred that I do it.

21 Q. Mr. Cruz did?

22 A. Yes.

23 Q. Would you agree with me that over the
 24 entire 14-year period of his District

1 Attorney's tenure, that Mr. Cruz doesn't
 2 like to take any kind of controversial
 3 action?

4 MR. COHEN: Objection.

5 MR. SINSHEIMER: Withdrawn in
 6 that form.

7 A. I would say --

8 MR. COHEN: Objection. He
 9 withdrew the question.

10 THE WITNESS: Oh, okay.

11 Q. Mr. Cruz doesn't like to get his hands
 12 dirty?

13 MR. COHEN: Objection.

14 A. I wouldn't put it that way.

15 Q. How would you put it?

16 MR. COHEN: Objection. Go ahead.

17 A. I think Mr. Cruz is conflict diverse. He
 18 does not want to engage in situations that
 19 are uncomfortable or he has to give
 20 somebody bad news or are just difficult.

21 MR. SINSHEIMER: This is a good
 22 place to take a five-minute break, Bret.

23 MR. COHEN: Sounds great.

24 (Brief recess.)

1 MR. SINSHEIMER: Back on the
 2 record, please. Would you read back the
 3 last question, please.

4 (Question read back as requested.)

5 MR. SINSHEIMER: Thank you.

6 Q. (By Mr. Sinsheimer) We had talked earlier
 7 about the conversation you had with
 8 Mr. Bradley on his last day. Do you
 9 recall that?

10 A. I do.

11 Q. Is there anything else at all about that
 12 conversation you can recall that hasn't
 13 been put on the record?

14 A. About the conversation, no.

15 Q. About the events?

16 A. His reaction surprised me somewhat.

17 MR. COHEN: So just so the record
 18 is clear, when you say his reaction, you
 19 mean --

20 THE WITNESS: Mr. Bradley's
 21 reaction. I am sorry.

22 MR. COHEN: Okay.

23 Q. So with respect to your state of mind, you
 24 are telling me you described this reaction

1 before, correct?

2 A. I am sorry.

3 Q. You had already described his reaction in
 4 full, meaning his verbal reaction?

5 A. Yes.

6 Q. All right. What else about his reaction
 7 other than what he said was significant?

8 A. He -- he seemed somewhat surprised.

9 Q. Okay. And you say that surprised you?

10 A. I couldn't imagine how he could be
 11 surprised.

12 Q. And why was that?

13 A. Well, because of the "I am not your child"
 14 e-mail, because of the conversation that
 15 he had with the District Attorney where
 16 they talked about Mr. Bradley finishing
 17 his two trials and hitting the road
 18 because he didn't like how the office was
 19 running. There was another e-mail that
 20 Mr. Bradley sent to Kendra Salvatore, Mr.
 21 Cruz's executive assistant, wherein after
 22 the first of those two trials Mr. Bradley
 23 sent to her an e-mail that said something
 24 to the effect that don't, don't worry

1 about the DA getting tired coming down the
 2 hall, I have already slapped my own back
 3 for that win.

4 When you do that kind of stuff,
 5 you can't be too surprised that it didn't
 6 come out good for you.

7 Q. All right. So just to make the record,
 8 the e-mail that you are referring to about
 9 the congratulatory pat on the back so to
 10 speak, that is Exhibit 15, or at least the
 11 precise one is the first of that string?

12 A. Yes.

13 Q. And there are two or three more in that
 14 string on that page?

15 A. That is correct.

16 Q. And this was sent in January of 2012?
 17 (Witness perusing document.)

18 A. Yes.

19 Q. Immediately following a victory of a
 20 substantially important murder case?

21 A. That, I don't know.

22 Q. Is there anything else you can recall
 23 about the meeting?

24 A. No.

	Page 69		Page 71
1	Q. You testified that you told Mr. Bradley	1	he was going to terminate Mr. Bradley,
2	that essentially, and I am paraphrasing	2	right?
3	just to change the topic here, that	3	A. Yes.
4	essentially there was a job lined up for	4	Q. And you have no idea when that happened?
5	him in Worcester.	5	A. No, I don't.
6	Do you recall that testimony?	6	Q. Did you put any conditions on -- in other
7	A. I do.	7	words, when you were describing with
8	Q. Where did you get that information?	8	Mr. Bradley the possibility of him getting
9	A. Mr. Cruz.	9	employment elsewhere, did you make,
10	Q. Well, I had asked you earlier if you could	10	express that there would be any
11	remember what Mr. Cruz told you and you	11	conditions?
12	didn't bring that up. Is there anything	12	A. No.
13	about that that you now remember?	13	Q. None whatsoever?
14	A. About that job opportunity?	14	A. No.
15	Q. Yes.	15	Q. Is there anything else about the day of
16	A. Just in general terms, that Mr. Cruz had	16	his termination that you recall?
17	spoken to Mr. Early and he was confident	17	A. No.
18	that he could get Mr. Bradley a job out	18	Q. Nothing whatsoever?
19	there.	19	A. Nope.
20	Q. Had you spoken to Mr. Early?	20	Q. Did you attend the 2014 prosecutor's
21	A. No.	21	conference?
22	Q. What is the exact language you used in	22	A. I did not.
23	describing that possibility to	23	Q. Understanding it might be hearsay but just
24	Mr. Bradley?	24	to put things in perspective, you
	Page 70		Page 72
1	A. It is exactly as I said before.	1	understand it was a conference at which it
2	Q. Word for word?	2	was alleged that Mr. Middleton may have
3	A. Yes.	3	engaged in some misconduct?
4	Q. When did Mr. Cruz tell you that he had	4	A. Yes.
5	spoken to Mr. Early?	5	Q. I just want to make sure we are talking
6	A. I don't recall.	6	about the same conference. Your testimony
7	Q. Why did Mr. Cruz speak to Mr. Early?	7	is you weren't even there?
8	MR. COHEN: Objection. Go ahead.	8	A. I was not there.
9	A. I believe Mr. Cruz spoke to Mr. Early	9	Q. Do you know which conference I am talking
10	because he didn't want Mr. Bradley to have	10	about?
11	no job.	11	A. I do.
12	Q. So you believe he voluntarily reached out	12	Q. Were you involved in any way in the
13	to Mr. Early?	13	investigation into the allegations that
14	A. Yes.	14	Mr. Middleton may have engaged in some
15	Q. Knowing he was going to terminate Mr.	15	misconduct?
16	Cruz?	16	A. No.
17	A. I believe so.	17	Q. Apart from my use of the word "involved",
18	Q. And do you have any idea when that was?	18	were you monitoring or familiar with the
19	A. I don't.	19	process of investigation?
20	COURT REPORTER: Your question	20	A. No, I was not.
21	was --	21	MR. COHEN: Objection. Go ahead.
22	MR. SINSHEIMER: I just caught	22	Q. You told me you read Mr. Cruz's deposition
23	that. Thank you.	23	transcript?
24	Q. Mr. Cruz reached out to Mr. Early knowing	24	A. Yes.

Page 109	Page 111
1 means.	1 were hurting morale?
2 Q. But I think you're telling me that in fact	2 A. I am sure that I did.
3 there were quite a number of people and	3 Q. I asked you a few minutes ago if they were
4 they weren't led by Bradley, they all	4 hurting morale and performance, and you
5 agreed simultaneously that the Middletons	5 said you weren't sure about performance
6 were the problem. Correct?	6 but you were confident about morale.
7 A. Well, I think that Mr. Bradley was	7 Did I get that right?
8 probably -- I guess I would characterize	8 A. That is correct.
9 him as the leader of it. But there were	9 Q. Wouldn't you agree with me that if morale
10 certainly a lot of folks that felt exactly	10 is harmed, performance follows pretty
11 the same way that he and I did.	11 closely?
12 Q. And you were one of them?	12 MR. COHEN: Objection. Go ahead.
13 A. I felt the same way about those issues as	13 A. I don't know.
14 Mr. Bradley did.	14 Q. Okay. And what other types of information
15 Q. Now, if you jump down to the end, it says	15 did you confide in Mr. Bradley about?
16 it is well-known that JB and KO sat out	16 A. Regarding what?
17 purposely.	17 Q. Anything relating to the office.
18 Do you see that?	18 A. Mostly the issue that we have been
19 A. I do.	19 discussing, I think.
20 Q. What does that phrase "sat out" mean in	20 Q. Did you tell Mr. Bradley that campaign
21 that?	21 contributions were important to Mr. Cruz?
22 MR. COHEN: Objection. Go ahead	22 A. Not that I recall.
23 and answer.	23 Q. Did you tell Mr. Bradley that Cruz kept
24 A. I don't know.	24 track of who contributed what?
Page 110	Page 112
1 Q. Your testimony is you don't know?	1 A. Not that I recall.
2 A. I don't know what she meant when she wrote	2 Q. Is it possible you did?
3 that, no.	3 MR. COHEN: Objection.
4 Q. All right. That is fair. That phrase,	4 MR. SINSHEIMER: I will withdraw
5 "to sit out the election", did that have	5 it in that form.
6 meaning in the vernacular of the Plymouth	6 Q. Is it your testimony that it didn't
7 County District Attorney's Office, quite	7 happen, or is it your testimony that as
8 apart from any subjective intent she may	8 you sit here you just can't recall?
9 have had?	9 A. As I sit here, I don't recall it. I mean
10 A. This doesn't say election.	10 it's an office where someone runs for, for
11 Q. I am asking you what the phrase "sit out	11 it every four years. I mean those issues
12 an election", did that mean anything in	12 do get discussed, but I don't remember
13 the vernacular in the Plymouth County	13 that specific line of discussion with
14 District Attorney's Office?	14 Mr. Bradley.
15 A. I don't know.	15 Q. Did you ever tell Mr. Bradley that the
16 Q. All right. Did you ever encourage Bradley	16 employees were expected to contribute to
17 to talk about the Middletons hurting	17 the campaigns?
18 office morale?	18 A. No.
19 A. To talk to who?	19 Q. Did you tell Mr. Bradley about the memo
20 Q. Cruz. What did I say?	20 that the Middletons had written about
21 A. You didn't say anybody.	21 Karen O'Sullivan?
22 Q. Oh, sorry. Did you ever encourage	22 A. I don't remember if I told Mr. Bradley
23 Mr. Bradley to speak to Mr. Cruz about the	23 that there was a memo. He, I and everyone
24 manner and means by which the Middletons	24 else in the office knew that they were

Page 113	Page 115
1 doing an investigation in response to the 2 O'Sullivan allegations, but I don't 3 remember specifically if I talked about a 4 memo or not. 5 Q. Did you tell him that he was referenced in 6 a memo and probably referring specifically 7 to this document, Exhibit 6 and 11A? 8 A. I don't recall. 9 Q. Possible? 10 A. I don't know because I don't remember when 11 I saw this. 12 Q. This being Exhibit 6 and 11A? 13 A. Correct. 14 Q. Do you have -- other than anything you 15 have heard from Mr. Cohen, are you aware 16 of allegations that someone took a copy of 17 Exhibit 6 and 11A from Mr. Cruz's office? 18 A. Yes. 19 Q. And you understood my question was other 20 than learning it from Mr. Cohen and his 21 office? 22 MR. SINSHEIMER: Going out of my 23 way, sir. 24 MR. COHEN: I appreciate it.	1 is it. 2 Q. When did you hear that? 3 A. Best of my recollection, likely close in 4 time to when I heard that the document had 5 been taken. 6 Q. And so he told you first that Ms. -- well, 7 I don't know about the order. Which order 8 did he tell you? 9 A. I don't remember. 10 Q. So one time he told you Mr. Bradley took 11 it, another time he told you he thought 12 Ms. O'Sullivan took it? 13 A. I think it had to do with the timing of 14 when it took place. 15 Q. Explain that to me. 16 A. I believe I was told that Ms. O'Sullivan 17 sometime summer of 2012 was quoting 18 directly from this document, which would 19 mean, I guess, the assumption would be 20 that it had been taken prior to the day 21 after Mr. Bradley's termination. 22 Q. And where did you learn that? 23 A. I believe it was Mr. Cruz. 24 Q. But and where did he say he learned it,
Page 114	Page 116
1 Q. Do you want to think about that? 2 A. Yes. 3 Q. Okay. From who did you learn it other 4 than Mr. Cohen and his office? 5 A. Mr. Cruz. 6 Q. And what did you learn? What did you 7 learn he thought? 8 A. I learned that Mr. Bradley, the day, the 9 Saturday after I told him that he wasn't 10 going to be working at the DA's office any 11 more, that he went into Mr. Cruz's desk 12 and found the memo and took it. 13 Q. And when did Mr. Cruz tell you that? 14 A. I don't recall. 15 Q. Was it after Mr. Bradley's deposition in 16 this case? 17 A. I don't recall. 18 Q. Other than the information you may have 19 obtained from Mintz Levin, did you ever 20 hear that Ms. O'Sullivan took the 21 document? 22 A. Yes. 23 Q. From whom did you hear that? 24 A. I heard that from Mr. Cruz. I think that	1 she is quoting directly from the document? 2 A. I don't recall how that worked. 3 Q. Have you and Mr. Cruz discussed between 4 yourselves which one, if either, actually 5 took the document? 6 A. Just, just to the extent that I just 7 described. 8 MR. COHEN: One second. So just, 9 Rob, so we are clear, to the extent that 10 this is in connection with the litigation, 11 there is a joint defense privilege 12 associated with this communication. 13 MR. SINSHEIMER: Except that 14 there is a joint defense privilege, you 15 don't have to argue about that. But if 16 you are sitting back in the office having 17 a conversation, you know, and I am not 18 alleging either one took it, but you know, 19 well, Bradley testified to it but we don't 20 believe him, we think she took it, I am 21 entitled to that conversation. 22 MR. COHEN: I actually don't 23 think that you are. So I think you can 24 ask him, Rob, with all due respect, you